

# WAR IN THE DOMAIN OF REASON

A Thesis

by

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## **ABSTRACT**

In Kant's critical system, war plays a dual role as a catalyst for cultural development and as a moral evil to be overcome. In this thesis, I explore the geopolitical language of domain and territory used in Kant's third critique to explore the function of war in the development of practical reason. The geopolitical metaphors provide a helpful perspective for interpreting the dual nature of war in Kant's historical and political essays. In an immature state, humanity relied on the authority of violence to settle disputes. As humanity gradually develops its rational capacities, the authority of violence is replaced with the authority of reason. Kant's metaphor locates this gradual development in the domain of reason and the territory of nature. War is purposive in its ability to drive humanity from the state of nature towards the development of capacities for lawfulness. Violence that leads to lawfulness begins the process of claiming the territory of nature for the domain practical reason. This process of annexing the territory of nature for reason gradually perfects our rational capacities along the path towards the creation of a cosmopolitan moral kingdom. Kant's teleology of war is then a history of reason's capacity to replace violence as the authority for the realization of an unconditioned state. Reflective judgment imposes a moral purposiveness on war and orients reason's demand as it forms a peaceful juridical cosmopolis. Kant's hope is that his age of enlightenment is a moment where human culture is mature enough to allow scholars the freedom to exchange their ideas with the entire world and begin the process of phasing out violence amongst states. This process of war's demise is facilitated by the free and open debate amongst scholars of war and peace with the world of readers. Public debate on the political adherence to the demands of reason and the creation of lawfulness among states map the path to end war in Kant's critical system.

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## NOMENCLATURE

<i>GMS</i>	Groundwork for the Metaphysic of Morals
<i>CB</i>	Conjectural Beginning of Human History
<i>PP</i>	Perpetual Peace
<i>RL</i>	Religion within the Limits of Reason Alone
<i>UH</i>	Universal History from a Cosmopolitan Point of View
<i>C1</i>	Critique of Pure Reason
<i>C2</i>	Critique of Practical Reason
<i>C3</i>	Critique of Judgement
<i>WE</i>	What is Enlightenment

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# CHAPTER I

## INTRODUCTION

### THE DEMANDS OF REASON

In Immanuel Kant's political philosophy, violence and the conditions of war hold both positive and negative aspects in fulfilling the demands of reason. In several areas throughout his works, he speaks of war as "the great evil oppressing man," "the source of all evils and moral corruption," "the destroyer of everything good," and even serves an irresistible veto that "*There shall be no war* [his italics]."<sup>1</sup> At the same time, war is purposive in the development of human rational capacities. The creation of civil conditions and culture that ultimately lead to a juridical cosmopolitan kingdom of ends are products of resolving the issues surrounding war and violence. The fact that war and violence hold both positive and negative aspects have made it difficult to place Kant in a traditional category for those who study war. Scholars who study Kant's political philosophy address this issue in the study of just war theory. Authors like Howard Williams states that "Kant has no theory of just war."<sup>2</sup> Georg Geismann also asserts that "there is no such thing as just war" for Kant.<sup>3</sup> Others, like Brian Orend, think Kant does have a just war theory and point to where Kant addresses *jus in bello*, pre-emptive attack, and a right to self defense as proof that Kant takes a middle path between pacifists and realists.<sup>4</sup> I contend that Kant's views on war can not be defined as a pacifist, realist, or just war theorist. Instead, Kant's

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<sup>1</sup> Orend, Brian. "Kant's just war theory." *Journal of the History of Philosophy* 37, no. 2 (1999): 323-353.

<sup>2</sup> H. Williams, "Judgements on War: A Response" in H. Robinson, ed. *Proceedings of the Eighth International Kant Congress*, Vol.1, Part 3 (Milwaukee, WI: Marquette University Press, 1995), 1393

<sup>3</sup> Geismann, "World Peace " Rational Idea and Reality. On the Principles of Kant's Political Philosophy " in H. Oberer, ed. *Kant: Analysen, Probleme, Kritik* (Germany: Konigshausen und Neumann, 1996), 286

<sup>4</sup> Orend, Brian. "The Key to War: How 'The Metaphysics of Morals' Unlocks Kant's Just War Theory." *Jahrbuch Für Recht Und Ethik / Annual Review of Law and Ethics* 16 (2008): 183-201.

analysis of violence must be looked at through the lens of reason as it develops over space and time. Reason, as it progresses, demands that humanity eliminate the authority of violence and replace it with the authority of the moral law. This process of transformation can be best understood in geopolitical metaphors. Kant's language in the third critique offers examples of how reason secures its ground by laying claim to the territory of nature.<sup>5</sup> As reason develops, so too do the tools available to reason develop. Over time, public right and public reason, based on the cultivation of common sense (*sensus communis*), replaces the need to use violence in arbitration with the universal law of practical reason. In this paper, I will argue that Kant addresses the dichotomy of violence as both necessary for reason's development and as an immoral enterprise that must be overcome. In this way, rational violence serves the ends of humanity in Kant's critical system. This places Kant outside the framework of the just war tradition and can serve as an alternate means of analyzing war.

## THE ENDS OF REASON

Before addressing the purpose of war, I will address Kant's views on the ends of reason. Kant characterizes reason as striving for an unconditioned whole and his emphasis on reason unifies all aspects of his critical project. Reason demands an unconditioned causality and the totality of this free causality with the whole of what it causes.<sup>6</sup> For speculative reason, this demand leads rational creatures to draw erroneous metaphysical conclusions, referred to by Kant as "antinomies." Kant's cosmological antinomy specifically addresses the dichotomy of freedom

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<sup>5</sup> Kant, Immanuel. *Critique of the Power of Judgment*. United Kingdom: Cambridge University Press, 2000, 174-176.

<sup>6</sup> Kristi E. Sweet, *Kant on Practical Life: From Duty to History* (Cambridge University Press, 2013), 8.



and nature. Nature, as a conditioned object, is theoretically possible to comprehend in total. As reason strives for complete and total satisfaction regarding conditioned things, it systematizes each new piece of information. The synthesis of information into cognizable knowledge is a useful and inescapable function of reason. Progression in modern science owes its existence to this very function. Knowledge of nature is then subsumed into larger general theories in order to bring forth a general theory of understanding that unifies all knowledge into a complete whole. The sciences all aim at just this type of inquiry and all seek an ultimate explanation for everything. Kant, drawing on Leibniz, recognizes this fundamental aspect of reason to demand a sufficient reason and noncontradiction in matters of fact.<sup>7</sup> Absent this drive, reason would find itself satisfied with what is given in conditioned experience. The demand to unify all knowledge into a systematic unity is thus characterized by Kant's logical maxim: "*the proper principle of reason in general (in its logical use) is to find the unconditioned for conditioned cognitions of the understanding, with which its unity will be completed.*"<sup>8</sup>

Reason and its drive for unity come into conflict when it finally reaches for the unconditioned as an actual object of experience. Cognizing the "world" is an idea that Kant calls "pseudo-empirical" in that it purports to be unconditional yet still sensible. An unconditioned object stands outside of the chain of conditioned experience and may never be captured by human experience. Kant points to ideas of the "world" or "God" as representations of the unconditioned that stand in relation to the conditioned world. These ideas lack any objective reality and are an illusory part of reason. Kant refers to them as "sophistical rather than rational

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<sup>7</sup> Ibid 22-23

<sup>8</sup> Immanuel Kant, *Critique of Pure Reason* (Cambridge University Press, 1999), B364.

inferences'.<sup>9</sup> Nature, as the object of metaphysical inquiry, can not be cognized in total except beyond all standards of sense. This leads to a contradiction in which nature, as a conditioned object, must contain an incomprehensible and unconditioned beginning. Reason, always oriented towards organizing objects of experience into a cognizable whole, is continually trying to make nature rational. This act of inferring an unconditioned first cause when met with a conditioned object is illusory since it can never be met in experience. These transcendental ideas are a natural part of reason attempting to conceive the relation between conditioned representations and unconditioned first causes. Reason, then, is never to be satisfied with the pursuit of theoretical knowledge alone and must turn instead to practical reason attain an unconditioned state. Only in its practical use can reason become an unconditioned causal force by transforming nature into a world ruled by free and autonomous beings.

In practical reason, the unconditioned whole that reason demands are the use of human will in its free causality. Practical reason manifests itself as a striving that transforms the natural world in its pursuit of the unconditioned. Put differently, practical reason demands that human will can change what *is* into what *ought* to be. This process of changing the conditioned natural world is what Kant means when he speaks of freedom. The demands of practical reason rest on the ground of freedom harmonized through social and political structures. The freedom that reason demands is a causal force that demands changes to communities, the state, and ultimately the entire world. Achieving individual freedom in the world demands that rational agents fulfill several interlocking duties that extend beyond the needs of an individual person and bind every rational creature in the pursuit of a common purpose. These duties include creating the

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<sup>9</sup> Ibid B397

conditions for the possibility of the moral law to reign supreme in every aspect of a finite human life. These conditions include exiting the state of nature, creating a civil juridical condition, and finally creating a juridical cosmopolitan world. Kant's entire moral project is predicated on the creation of communal and political structures that satiate the practical demands of reason.

## **THE GEOGRAPHY OF REASON AND NATURE**

Practical reason provides a path to be the unconditioned first cause in the remaking of the world through the realization of freedom. The demand for the unconditioned in Kant's practical reason is the ground for his moral philosophy and his vision for a juridical condition for the world under a cosmopolitan order. Purposiveness, in both nature and in freedom, is where Kant resolves the antinomy of nature. Reason demands that nature allow for the possibility of freedom of rational beings in the face of what is a conditioned object. This possibility can only be understood by interpreting moral, political, and historical development of the species through space and time.

Reflective judgement is the way rational agents interpret a teleology for the demands of reason in Kant's philosophy. Unlike determinate judgements, where a universal concept is subsumed under a narrower concept, reflective judgements allow rational agents to interpret in the opposite direction. Reflective judgement places individual acts of violence in the context of higher-order representations of the demands of reason. Where history reveals certain moments where the pursuit for the unconditioned is necessarily violent, reflective judgement allows the agent to search for an appropriate concept provided by reason in order to subsume rational violence. Kant's entire critical project hinges on the rational ability of finite creatures to see the

hope of moral progress and the demands of moral duty. If reason demands the comprehension of the totality of conditions to a given conditioned thing and that totality under practical reason demands the rightful relation of all rational beings with each other, then how are we to comprehend the rational use of violence in striving for the creation of a moral world? Kant's use of geopolitical language, present in his third critique, provides a valuable metaphor illustrating the place of violence in the slow, reflective development of reason.

Reason sets its own ends from itself by continually moving beyond the boundaries of experience creating a domain for the unconditioned state of freedom. Kant frames the progression of reason in geopolitical metaphors to help illustrate the conceptual places it occupies. In the third critique, Kant uses the language of territory as a way to illustrate the process of reason annexing the territory of nature. Kant's use of the words "domain" and "territory" carry important messages about what exactly distinguishes reason from nature. The domain of reason is secured by adopting a *negative strategy* to reject principles that are unfit to serve all rational beings and it is oriented by an ideal horizon of an ethical world. In fact, rejecting maxims that can not be universalized is the only law practical reason. It is the essence of lawfulness that secures the ground of reason itself and is the starting point for further principles of practical reason. The domain is then a realm in which universal law settles disputes amongst its inhabitants.

The territory of nature is that area where beings use subjective lawless maxims as principles of action. Here, disputes are settled by opinion, convention, superstition, and above all violence. This territory, unsettled by reason, exists without an orientation towards the moral law. Those who live out in the territory deny universal reason when they secure their freedom with might. In the territory, the species lives isolated and stunted lives that are limited to fulfilling the

basic needs of existence. In his historical essays, Kant describes this period of early human history as a state of nature marked by the potential for violence. Kant agrees with other natural law theorists on many of the fundamental descriptions of the state of nature as a state of war.<sup>10</sup> Violence is the only tool available in this phase of cultural development as it reshapes the material of nature according to rational criteria. Freedom and nature are a dichotomy within Kant's critical philosophy in which nature, as a conditioned whole, is completely separate and opposed to reason's pursuit of the unconditioned. The language in Kant's third critique locates war in the gap between freedom and nature using reflective judgement. Reflective judgment provides a way for humanity to situate its violent history in a conscious rational sense and not as a series of chaotic misfortunes. By organizing historical violence as a step along the path towards enlightenment, Kant marks the place of man's essential position along the route towards accomplishing the ends of reason. Kant states in the introduction of his third critique:

The part of this realm in which cognition is possible for us is a territory (*territorium*) for these concepts and the cognitive power we need for such cognition. That part of the territory over which these concepts legislate is the domain (*ditio*) of these concepts and the cognitive powers pertaining to them. Hence empirical concepts do have their territory in nature, as the sum total of all objects of sense, but they have no domain in it (but only residence, *domicilium*); for though they are produced according to law, they do not legislate; rather, the rules that are based on them are empirical and hence contingent.<sup>11</sup>

I argue that the metaphor of territory Kant is using above provides insight into understanding how judgement mediates freedom and nature. Geopolitical language contextualizes violence in Kant's practical philosophy and places it in time and space. Between nature and freedom Kant describes a "great gulf" where "it is not possible to throw a bridge from one domain to the other"

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<sup>10</sup> Shatara, Amer N. "On the Hypothetical State of Nature of Hobbes and Kant; Same Premises, Different Conclusions." *European Scientific Journal* 12, no. 23 (2016).

<sup>11</sup> C3 174

and yet reason demands that the possibility of “the very concept of a causality through freedom, whose *effect* is to be brought about in the world.”<sup>12</sup> Kant’s political philosophy demands that individuals develop specific structural relations with one another in order to bring about practical reason’s unconditioned form, namely, a cosmopolitan kingdom of ends. Creation of such a kingdom requires that the ground be secured, and history shows that portions of our development are necessarily violent. The demands of practical reason orients the moral transformation of nature and contains necessary political structures in which violence plays a role.

## **KINGDOM OF ENDS AS A TELEOLOGICAL ORIENTATION**

When Kant describes the “kingdom of ends,” he speaks of the transformation and harmonization of all moral beings to make real the ends of practical reason. All three formulations of Kant’s categorical imperative are different articulations of harmonizing the freedom of all rational beings under universal law. The kingdom of ends formulation unifies Kant’s universal maxims under a political ideal that provides a direction for the pursuit of a moral world. The metaphor of a “kingdom” shifts the focus of morality away from individual maxims and places the focus in a sociopolitical context. Autonomous moral agency is social because only through “a systematic union of rational beings” do we find ourselves in relation to one another as both ends and means. Isolation from the world is not a moral possibility due to the nature of this finite physical world. Human agency must be coordinated, harmonized, and guided by an objective universal law. The kingdom of ends ideal orients the direction of reason as it

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<sup>12</sup> C3 196

travels out into the territory. Actions that lead to the development of social structures are judged, through reflection, in how they progress the demands of practical reason.

This kingdom of ends is an ideal since humans are always capable of placing their subjective desires above the moral law. This moral horizon is never to be fully reached since man is never fully moral. Kant notes that there is no guarantee that others act in accordance with the moral law, but this fact does not relieve individuals from their duty to adhere to the law. Rational agents have direct access to the moral law as Kant poetically points out in the image of the “starry heavens above me and the moral law within me.” Even in our fallibility, the creation of a moral world is obligatory in that any human power to act freely calls each rational being to accord with universal laws of freedom. Kant’s kingdom is defined as:

By a *kingdom* I understand a systematic union of various rational beings through common laws. Now since laws determine ends in terms of their universal validity, if we abstract from the personal differences of rational beings as well as from all the content of their private ends we shall be able to think of a whole of all ends in systematic connection (a whole both of rational beings as ends in themselves and of the ends of his own that each may set himself), that is, a kingdom of ends, which is possible in accordance with the above principles.<sup>13</sup>

The characteristics of such a kingdom rests on the harmonization of freedom, as a domain of objects whose principle is the moral law, that orients the teleological ends of all rational beings. The essence of the kingdom of ends is thus relational in the context of interrelated human agents. It is also ideal in that the kingdom acts as a horizon that is never fully reached in a finite human lifetime. The kind of society that brings about a completion of the kingdom of ends would have to have perfect holy wills. Human agents are not, nor ever will be, these types of beings. The best

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<sup>13</sup> Schneewind, J. B., Kant, Immanuel. *Groundwork for the Metaphysics of Morals*. United Kingdom: Yale University Press, 2008, 4:433.

that humanity can work towards is an approximation of law-governed relations among all humans. This places humanity always out in the territory as it secures the domain of reason.

## **ESTABLISHING REASON IN THE WORLD**

Annexing the territory of nature is a metaphorical as well as practical problem in Kant's work. Politically, practical reason begins its journey out of nature through individual coercion. Kant addresses this problem in his *Doctrine of Right* and *Conjectural History*, where he details the movement of man from the state of nature into a civil condition in the lawful acquisition of property. Kant also addresses secure ground in the first critique where Kant acknowledges the need to build a "sturdy dwelling" with those materials made available by reason.<sup>14</sup> Following this metaphor, a sturdy dwelling must be built on ground that is surveyed and secure. Practically, this requires social structures that make possible an existence beyond what is purely instinctual. Only under a rightful juridical condition can practical reason begin to satiate its demands for the unconditioned. Violence that secures rights baring social structures allow man to develop from a lawless nomadic existence into a lawful rational communal people with unique linguistic, religious, and economic practices. In the state of nature, violence resolves the problem of individual conflicts. To exist in this state is to exist immorally in relation to other rational beings. Outside a civil condition, each person exists as a threat to one another in a state of nature. In Kant's vision of the state of nature active violence is not necessary for there to be a threat to the

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<sup>14</sup> Kant, Immanuel. *Critique of Pure Reason*. United States: Cambridge University Press, 1999, A707/B735.



demands of reason. In Kant's state of nature, the mere presence of another person unwilling to join a civil condition creates a condition that threatens violence towards the whole community.

Kant notes that with the emergence of reason, man must begin the process of creating the structural conditions where freedom can be equally exercised amongst all members of a community. Compulsion at this early stage is necessary since individuals have a natural desire to disobey the moral law and pursue their subjective desires. Sharron Anderson-Gold frames this problem as humanity having "dual vocation: one as a natural and other as a moral species."<sup>15</sup> Discipline, in the form of forceful coercion of people into a rightful condition, secures the first piece of territory and establishes a meager domain of reason. The state of nature are the conditions of what *is*, and the establishing of a civil condition is what *ought* to be at the moment of reason's birth. This first movement to bring nature under the auspices of reason doesn't stop, since reason demands the unconditioned, and continues to move out in a never-ending journey towards an ideal horizon. Every movement of reason claims and synthesizes the territorial ground of nature and reflective judgement provides the teleological justification of continuing the journey towards the horizon. Each claim of reason brings with its cultural refinement, but reason's progress always contains the possibility for violence. People, as free beings, always have the power to turn away from their moral duties and place their subjective desires above reason's demands. This is as true for individuals as it is for states and nations.

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<sup>15</sup> Anderson-Gold, Sharon. *Unnecessary evil: History and moral progress in the philosophy of Immanuel Kant*. SUNY Press, 2001. 59

## THE DEMISE OF VIOLENCE

Violence, as part of creating a civil condition, is a moral enterprise, and yet violence changes as more of the world comes under the domain of reason. Early political development requires individuals to create the conditions for the possibility of rightful relations amongst all rational beings. Reason, in its earliest form, does so through the use of coercion amongst individuals. This blunt but permissive right starts the process of transforming the state of nature into the domain of reason. As the territory of nature is annexed under the domain of reason, structural improvements provide newer and subtler means of transforming the world from what *is* into what the world *ought* to be. Structural improvements in the political and cultural spheres begin to erode the need to discipline the propensity towards evil with overt forms of coercive violence. The creation of rightful relations amongst members of a community, in the form of laws under a republican government, resolves private disputes. Culturally, rightful conditions lead to the development of taste, moral feeling, and social communication that discipline all members of a community towards the good. These political and cultural developments are essential for achieving the aims of practical reason's demand for harmonized freedom and autonomy. States provide juridical conditions that take on the role of administering moral violence and replacing the need for individual justice. Violence within a civil condition is mediated by an impartial system of justice allowing each person to pursue a freedom under the law.

Practical reason still requires the further development of civil relations among all members of the species in the form of a cosmopolitan order. The external relation amongst states is a continuation of an unrightful condition in a state of nature. States exist in unrightful relation

to each other and it is here that Kant voices his deepest sympathies for the welfare of humanity. Without a juridical cosmopolitan order, states are left with private right to resolve disputes. The ends of practical reason demand a complete annexation of the territory of nature in the form of a rightful cosmopolitan condition amongst states.

Those who are charged with the moral use of violence are worthy of a particular consideration concerning the realization of Kant's moral world order. War and violence from the perspective of an individual soldier appears immoral from every vantage point save from the perspective of the species. The importance of individual actions in a particular battle are rarely understood except upon historical reflection on the war as a whole. Kant makes this point stating:

Since the philosopher cannot presuppose any [conscious] individual purpose among men in their great drama, there is no other expedient for him except to try and see if he can discover a *natural* purpose in this idiotic course of things human. In keeping with this purpose, it might be possible to have a history with a definite natural plan for creatures who have no plan of their own.<sup>16</sup>

For Kant, war is only decipherable by rational reflection through the lens of history. It is a catalyst that propels man "from barbarism to culture" and an indication that the goal of the kingdom of ends has yet to be attained. Reflection provides the means determining a moral history of the world and the ideal to which the kingdom of ends orients humanity.

## **TOOLS OF THE ENLIGHTENMENT**

Kant's solution to war is to transform the world into what it ought to be by bringing all of humanity into a rightful relation. Kant recognizes war as the worst of humanity's selfish

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<sup>16</sup> Brinton, Donna M., Nisbet, H. B., Kant, Immanuel., Goodwin, Janet M.. *Kant: Political Writings*. United Kingdom: Cambridge University Press, 1991, 41, VIII: 17-18

sensibilities even as he accepts the fruits of violence for reason's ambitions. For Kant, enlightenment is a period of human development where the tools available for settling the territory of nature pivot from violence to reason. In his work *Kant and the philosophy of history*, Yirmaihu Yovel provides a clear explanation of how war is replaced with reason as the grounding principle of political life.<sup>17</sup> He notes that "*the emergence of the Enlightenment as a vehicle of progress represents a true revolution itself.*"<sup>18</sup> The revolution of the Enlightenment is humanity's ability to transcend violence with the tools of reason. The action that most defines the Age of Enlightenment is the free exchange of ideas throughout the reading world. Kant paints freedom of speech and freedom of the press as the strongest tools for furthering the progress of humanity and revealing the blindness of dogmatism. In the essays *What is Enlightenment* and *Perpetual Peace*, Kant describes how to peacefully transform the world with the public use of reason in the form of free speech amongst all peoples of the world. Kant recognizes that in his time, humanity has the ability to use one's own understanding and, after slowly emerging from the womb of nature, relate as a citizen of the world. War is thereby overcome by rejecting our natural inclinations to violence and working towards the ideal totalization of morality in a cosmopolitan ethical community. In doing so, man transforms nature from a "mere wilderness" and into a purposive final end of reason.<sup>19</sup>

In chapter one, I will discuss how Kant views violence in the development of human reason. I will primarily use Kant's essays *Idea for a Universal History, Conjectural Beginning*, and *Doctrine of Right* to examine where individual violence is purposive in the movement from a

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<sup>17</sup> Yovel, Yirmiah. *Kant and the Philosophy of History*. United States: Princeton University Press, 1980. 152-153

<sup>18</sup> Ibid.

<sup>19</sup> C3, V:442

state of nature towards the formation of a rightful political condition. I will make the case that these essays, read alongside all three of the *Critiques*, show how individual violence fits in Kant's teleology of human moral progress. Kant readily acknowledges that history is rife with examples of human evil, but reflective judgement provides the means to interpret the history as advancing towards a moral destination. Reflective judgement allows rational beings to perceive historical events from the perspective of the whole species, and in doing so provides a means to untangle the senselessness of humanity's violent nature. Kant admits that man's action contains within its natural tendencies towards the purely instinctual pursuit of personal happiness, which creates the possibility of evil in the world. These tendencies for the fulfilment of subjective desires to rule over the moral law are the foundations for universal evil within rational agents. Reflective judgment provides hints that, despite this appearance of senseless violence, nature itself contains a plan conducive to the aims of practical reason. Kant's treatment of history provides a path to understand how man, over time, emerges from an animal state into a fully developed rational being. Violence in the form of our unsociability is an early process by which reason lays claim to the territory of nature. Power, possession, and vanity all play a part in breaking open the seed of reason as it grows into a civil society. A teleology of violence, viewed historically from the perspective of the species, allows rational agents to deny chance as the means of nature's progress. Violence viewed without a purpose would ultimately lead to despair in reasons for failure to cognize the world. Reason demands that violence have a proper use in the development of humanity in that it must be connected to the goal of achieving an unconditioned state.

In chapter 2, I will discuss the importance of Kant's essay *Perpetual Peace (PP)* in its role at detailing the steps toward creating a rational international order. As reason extends

beyond individual communities, it fills the globe with societies in various states of political development. War and violence spread humanity across the globe, but the geography of this finite world brings all peoples into contact. States stand in contention with each other just as in the state of nature, and this leads to violence amongst states. Reason's demand for the unconditioned orients the continual progress towards a cosmopolitan solution for a moral kingdom of ends. Absent a cosmopolitan solution, war and violence claim supreme authority over disputes of the common ground amongst states. In *PP* Kant proposes a gradual movement in which reason replaces violence in the international political arena, culminating in a federation of states committed to hospitality towards all peaceful nations. The gradual nature of this plan acknowledges the need to address war in seemingly pragmatic ways to include limits to the means of fighting and to the ways of negotiating peace.

In my conclusion, I will focus on Kant's essay *Perpetual Peace, What is Enlightenment* and *Metaphysics of Morals* to illustrate how the development of culture and the civil condition utilize free speech as the main tool to replace violence. Kant is clear about how reason in humanity develops slowly as the skills necessary to fulfill our moral task develop over time. Time and space are needed to strengthen our moral resolve. Culture, as a product of human sociability, provides the environment necessary to develop human moral capacities. The public use of reason, as a product of mature rational capacities, provides the strongest tools to replace violence as a means of annexing the territory of nature. Kant attributes public reason and its use to be fundamental to all human reasoning. In this way, speech constitutes the means to make the demands of reason intelligible to others. The public use of reason, in the freedom to express rational ideas to others, breaks humanity from "self-incurred immaturity" and encourages rational agents to think for ourselves. This escape is part of a long and arduous progression of

humanity out of the womb nature towards moral maturity and only takes place within a sufficiently matured society. Public reasoning only emerges in a society that has reached a certain level of cultural maturity when the skills of communications dissemination are developed. For Kant, freedom of the pen marks a historical moment of reason. The ability to communicate freely to the whole of the world is the cause of our own improvement. Kant notes that intellectual freedom is “the sole jewel that remains to us under all civil repression and through which alone council against the evils of that state can be taken.”<sup>20</sup>

Free and open communication with the world at large is then a fundamental requirement for the development of practical reason and a kingdom of ends. Reasoned discussion is the tool of enlightenment, and those committed to reason have a duty to communicate with the public at large. O’Neill notes that political progress ultimately requires communication which is both publicizable and made public.<sup>21</sup> Kant assumed that public reason, as the free exchange of ideas, will replace our unsociable natures as reason progresses. The ethical, political, and moral principles that practical reason demands all need a thriving society that contains practices which inspire its subjects to accept the authority of reason. The public use of reason sheds light on those who continue to place themselves above the moral law bringing forth feelings of humiliation and respect for the moral law in an enlightened populous. Kant shows that public reason replaces violence as the rational means of settling the territory of nature. Reason, although within each participant, is not discoverable by solitary introspection. Kant recognizes that one person alone is not perfectly transparent to the demands of reason and therefore needs the free exchange of ideas

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<sup>20</sup> Kant, Immanuel. *Religion and Rational Theology*. United States: Cambridge University Press, 2001. *What is Orientation in Thinking*, 144:303.

<sup>21</sup> O’Neill, Onora. "The Public Use of Reason." *Political Theory* 14, no. 4 (1986): 523-51.

to cultivate our shared ethical sensibilities throughout the world. Human selfishness clouds moral judgement and only in communion with others do the demands of reason become clear.

In the face of fundamental changes in the means of war making, I argue that members of today's professional armed forces carry a particular duty to reason publicly about modern conflicts. At the end of *PP*, Kant names publicity as the maxim that brings politics in accord with reason stating:

All maxims which *need* publicity (in order not to fail in their end) harmonize with right and politics combined.<sup>22</sup>

With the absence of full state participation in the modern war effort, members of the military have a special duty to reason publicly concerning duplicity in politics in respect to adherence to practical reason. Kant states that politicians must adhere to the *unconditional* duty to respect human rights.<sup>23</sup> When national policy is shown to be in conflict with this duty, scholars of war have a responsibility to publicly acknowledge violations of any transcendental maxims of public right. Leaders who create policy and are charged with executing state violence have a duty to provide public insight into the nature of state violence and how it accords with practical reason. Kant notes that when the call to arms is in violation of the universal law of reason, it is the duty of those in question to make public remarks and invite public debate on the matter. To do otherwise is to “violate the sacred right of humanity and trample it underfoot.”<sup>24</sup>

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<sup>22</sup> *PP* 8:386

<sup>23</sup> *PP* 8:386

<sup>24</sup> *WE* 8:40



## CHAPTER II

### EXITING THE WOMB OF NATURE

In his essay *Conjectures on the Beginning of Human History (CB)*, Kant uses the biblical story of Genesis as a framework for understanding the emergence of reason.<sup>25</sup> This essay provides an important insight into the way Kant envisions the beginning of history and the development of reason. First, I will focus on the man prior to the emergence of reason and highlight the areas where reason disrupts an otherwise peaceful animal existence. Next, I will discuss how Kant describes humanity's propensity for violence is morally purposive in its ability to adjudicate cultural differences for the species. Finally, I will discuss how reflective judgement provides a method of interpreting violence as a path towards moral improvement.

Kant begins *Conjectural Beginning* by acknowledging that it may seem absurd to base history on a conjectural account of the bible. He states that to do as such "would seem little better than drawing up a plan for a novel."<sup>26</sup> This account of the first beginnings of history is not meant to be an empirical history of humanity, but instead serve as a deduction from experience. Kant assumes that the beginning of human history had the same access to reason as his own time and notes that this account is an exercise of the "imagination, accompanying reason."<sup>27</sup> Kant traces the birth of reason, viewed through the lens of the Genesis story, as a means to illustrate the tension present within freedom. Human goodness and evil are both products of freedom. Only in the historical progression of the species do we find a resolution in the complete

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<sup>25</sup> Kant, Immanuel., Zöller, Günter. *Anthropology, History, and Education*. United Kingdom: Cambridge University Press, 2011. 163.

<sup>26</sup> *CB*, 8:109-110

<sup>27</sup> *Ibid*

development of all rational capacities. Kant lays out the first six chapters of the Genesis story as conjectural reproductions of human history. By abstracting the individual stories of Adam, Eve, Cain, and Abel, a historical development of the reason emerges, providing important insights into the development of violence in Kant's system. This essay presents Kant's clearest language concerning humanity prior to the emergence of reason and the way violence is part of the origin of morality in rational creatures.

Prior to the emergence of reason, man was "guided solely by instinct, that *voice of God* which all animals obey."<sup>28</sup> At this stage of development, humanity is under the guardianship of God in the Garden of Eden. Kant calls this kind of existence "a state of servitude under the rule of instinct."<sup>29</sup> Ruled only by instinct, humanity lives a life equivalent to those of animals and tied to the bare necessities of his existence. Without reason, nature only demands that humans procure food, find shelter, and procreate in order to be happy. Kant calls the "womb of nature" a "harmless and secure condition of protected childhood - from a garden, as it were, which provided for him without any effort on his part."<sup>30</sup> Kant goes on to state that "as long as the inexperienced human being obeyed this call of nature, his lot was a happy one."<sup>31</sup> This description of paradise adheres to the standard reading of *Genesis*, but Kant takes an entirely new interpretation of humanity's role under divine guardianship. Kant utterly rejects the value of paradise without reason for a human paradise created by our own good will. Kant sees expulsion from paradise as "a change of status which undoubtedly does him honor, but at the same time [is]

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<sup>28</sup> *CB* 8:112-115

<sup>29</sup> *Ibid*

<sup>30</sup> *Ibid*

<sup>31</sup> *Ibid*

fraught with danger.<sup>32</sup> Why is expulsion from paradise a boon for humanity? What makes it dangerous? Kant's rejection of a life of "quiet inactivity and everlasting peace" stems from reason's demand for unconditioned freedom. Kant notes four phases of reason's development in which humanity begins the process of his realization as "the true *end of nature*."<sup>33</sup> These phases are the development of instincts for food, the need to procreate, an understanding of the future, and a superiority to animal society. These phases map out the earliest annexation of the territory of nature under the domain of reason.

Kant links the eating of the apple to the extension of knowledge for food beyond our natural instincts as the first act of reason in the world. This act, religiously interpreted as sin, is framed as a break from natural instinct. By exercising an ability to compare foodstuffs, humanity opened a door into an infinite amount of possible life choices. As reason, along with imagination, begins to extend the knowledge of food beyond natural impulse, humanity begins to desire more than what is necessary to live. This portion of the essay provides a first instance of reason's drive towards the totalization and unification of all things. This first choice is the first demand of reason towards the unconditioned as it synthesizes and extends beyond natural instinct. Kant notes that this demand develops humanity's "*lasciviousness*" and eventually our desire for "*luxuriousness*." Kant's choice of unvirtuous words in this passage highlights how humanity's selfishness contains within it the seeds that bear the fruit of reason's demand.

The second area of reason's development concerns our modesty in relation to sexual instinct. Human beings, with the development of modesty, remove the objects of desire and

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<sup>32</sup> Ibid

<sup>33</sup> Ibid

create the first instance of morality. Kant goes on to attribute the fig leaf as a much stronger assertion of reason that had been evident in the first phase of its development.<sup>34</sup> Modesty transforms desire into love and the merely agreeable into a taste for beauty. In this way, Kant attributes a “*sense of decency*” as the first inclination of humanity as a moral being and the beginning of cultural development. This act of reason also produces an anxious recognition of the potential to lose our objects of desire.<sup>35</sup>

The third step of development was in humanity’s anticipation of the future. Without reason, humanity only enjoyed the present moment of life. Ignorance of the future allowed humanity to revel in his ignorance without fear of an uncertain future and the end of life. Reason’s understanding of time allows for an orientation towards a purpose beyond the immediate and a teleological framework for human history.

The fourth and last area Kant explores is humanity’s supremacy in the natural world. Here, Kant notes the realization of humanity as the true end of nature places animals in a position to be used for “whatever ends he pleased.” This recognition also brought the understanding that humanity, unlike the animal, is worthy of respect and has equal claim on the gifts of nature. By recognizing humanity as equally worthy of the fruits of nature, reason begins to reveal the essential nature of civil society.

Each of these areas break humanity from natural instinct and express his capacity for freedom and autonomy. What is important about Kant’s interpretation is that the fall of humanity is seen as the beginning of humanity’s maturity towards his own salvation. Kant’s interpretation

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<sup>34</sup> Ibid

<sup>35</sup> Sweet, *On Practical*, 92.

of the expulsion from the garden is more akin to a child leaving the home in order to pursue a life of self-responsibility. This expulsion from the perspective of the individual seems like a fall, in that reason brings with it violence, conflict, and uncertainty about attaining the objects of desire. Taken from the perspective of the species, the natural movement of humanity, from child to adult, *is* good. Humanity begins its development by journeying away from the shelter of mother nature to secure the domain of reason. The tension between nature and reason signifies the conjectural birth of reason in humanity that Kant interprets as the means of bringing morality into existence. This movement is also one fraught with consequences that are detrimental to the individual in the form of evil. These evil consequences of rational development are a product of the faculty of freedom.

Kant states that “the history of freedom [begins] with evil, for it is the *work of the human being*.”<sup>36</sup> The first choices of humanity as free beings, through the conscious power of choice, mark humanity as an end to himself. The ability to choose other than natural instinct entails the ability to have ends that are both evil and good. Reason frees humanity from instinct, thus enlarging the scope of possible choices where purposes amongst rational actors’ conflict. Reason is thoroughly implicated in the creation of conflict in humanity and a necessary part of human historical moral development. Kant notes this in the section of his essay where he recounts the story of Cain and Abel.

Kant takes the story of Cain and Abel and recasts the main characters as models for agricultural settlers and hunter-gatherers. This rudimentary retelling offers a short history of

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<sup>36</sup> *CB*, 8:115-116.

human violence rooted in human freedom. Cain (tiller of the ground) and Abel (keeper of the sheep) find themselves in mortal conflict resulting from the freedom to choose different ways of life. Kant calls the transition from leisure and peace the “age of *labour and discord*.”<sup>37</sup> This phase, marked by violence, is a prelude to the movement of humanity into a society.

Cain represents the life of agriculture and Abel represents the pastoral life. As a shepherd, Abel uses vast quantities of land in order to sustain his flock. Cain, on the other hand, uses land and his labor to till the soil for his survival. Both actors in this tale pursue equally valid ways of life. These free and valid choices come into conflict as a consequence of existing in a finite world. Kant shows how freedom from natural instinct causes unintended consequences of equally legitimate uses of a world held in common.

Cain and Abel represent the earliest form of cultural differentiation that lead to conflict. Both cultures require a dependence on access to the land. For Cain, the need for security and permanent possession of land put his way of life in constant jeopardy. Kant notes that the agricultural life is “extremely laborious, subject to the vagaries of climate, and consequently insecure,” whereas the life of Abel is “not only leisurely” but contains “the most reliable means of support, for there is no lack of fodder for animals in a largely uninhabited country.” In Kant’s retelling, it is the herdsman who tramples the farmer’s land without restitution leaving nothing behind. Jealousy motivates the herdsman to commit this act since the farmer limits his free use of grazing land. The farmer then resorts to force in order to prevent further damage to his

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<sup>37</sup> *CB*, 8:118-119.

livelihood. This marks the symbolic first instance of rational violence amongst humanity. These different ways of existing in the world create conditions where freedom produces conflict.

The conflict inherent in free choice drives humanity into society's intrinsic to practical reason's development. If early humanity had the ability to separate himself as far as possible from those with different ways of life, then a demand for the unconditioned would have no social necessity. Conflict and the limits of the world simultaneously spread humanity across the globe and eventually brought them back into contact with one another. Kant calls this era the "third epoch" where humanity begins to band together and assist in protecting one another against nomadic groups. Violence, or the threat of violence, is the tool that drives man apart and then together. With an unlimited amount of space, a person endowed with reason could lay claim to a parcel of land without any limitations placed on his choices. The fact that humanity lives on the finite surface of the globe places a rational need to exert force in order to claim land, but also to overcome the need to exert force to peaceably co-exist. This idea is summarized in Kant's understanding of humanity's "unsocial sociability."

The conflict arising from Cain and Abel centers on the ownership of property that is settled only with the use of force. At the individual level, the only methodology available to settle disputes is violence in the form of individual coercion. Coercion for Kant is the interference with one's external freedom, where external freedom is the ability to set and pursue one's ends. But if each person has access to the moral law then why is non-violence in the state of nature an irrational option? Kant's reply rests on the radical evil inherent in human beings, our unsocial sociability, the cunning of nature, and the ever-present ethical state of nature.

## VIOLENCE IN THE STATE OF NATURE

In *Religion within the Limits of Reason Alone (RL)*, Kant discusses the problem of evil and its origin. In *Religion*, Kant states that an evil act is any act that chooses to deviate from the moral law as its maxim. In this way, humanity is evil *by nature* in that evil is “subjectively necessary in every human being, even the best.”<sup>38</sup> This propensity to choose subjective desires over the moral law is universal and present in every moral decision. The act of choosing happiness over the moral law begins a chain of addiction for satisfying particular desires resulting in evil.<sup>39</sup> This means that individuals are personally responsible for every act of evil. Furthermore, the conditions for the possibility of freedom must include evil and the possibility of an immoral choice. For these reasons, Kant describes humanity as *radically* evil, and this evil is so fundamental that his thesis needs no proof “in view of the multitude of woeful examples that the experience of human *deeds* parades before us.”<sup>40</sup>

The violence present throughout human history that is not in line with reason’s demands is a manifestation of humanity’s propensity towards evil. Kant describes the violence reported from Native communities of New Zealand and America as approximations for the state of nature as “never ending cruelty.”<sup>41</sup> Kant also notes the “perpetual war between the Arathapescaw Indians and the Dog Rib Indians” as having “no other aim than mere slaughter.”<sup>42</sup> Kant takes

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<sup>38</sup> *RL* 6:32-33

<sup>39</sup> Sweet, *On Practical*, 91.

<sup>40</sup> Kant, Immanuel. Kant: Religion Within the Boundaries of Mere Reason: And Other Writings. Kiribati: Cambridge University Press, 1998, 6:33.

<sup>41</sup> *Ibid*

<sup>42</sup> *Ibid*



these observations of Native peoples as approximations of the state of nature where humanity is incapable of existing in just relation.<sup>43</sup>

Once humanity occupies all corners of the world and is forced to be neighbors, the phenomenon of unsocial sociability begins to manifest itself. As noted in *CB*, agriculture creates the first society by forcing the need for groups of people to assist each other with the labor necessary to farm. Additionally, collective defense is needed for protection of farmland against the nomadic herdsmen. It is in this setting that stimulates the beginnings of human “culture.” Yirmiahu Yovel notes that Kant’s radical evil helps elaborate the way in which humanity is unsociably social.<sup>44</sup> Yovel states that Kant connects the very “predisposition to humanity” in humanity with his inclination “to acquire worth in the opinion of others.” Humanity, driven to live in groups, finds a need to compare himself to others. In this setting the various vices associated with culture begin to emerge including vanity, rivalry, jealousy, and spitefulness etc. Yovel states that these vices are “distinctly *human* and differ radically from our ‘beastly’ vices.”<sup>45</sup>

In both social and antisocial conditions, violence is a product of our nature as rational beings. Kant’s fourth thesis in his essay *Idea for a Universal History from a Cosmopolitan Point of View (UH)* presents this problem clearly. Here, Kant states that our unsocial sociability places the expectation of opposition on all sides. Because humanity knows himself, he comes to expect that his neighbors are equally capable of laziness, vainglory, lust for power, and avarice. This

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<sup>43</sup> I reference these unfortunate parts of Kant in order to give the reader an impression of how Kant perceives the state of nature and not as an approval of his anthropological views of Native peoples

<sup>44</sup> Yovel, *History*, 149.

<sup>45</sup> Ibid.

position is such that humanity wishes for their approval and cannot tolerate their presence. Kant uses the visual metaphor of trees in a forest to illustrate his point. He notes that trees in the woods struggle for light and air *against* each other. In the struggle, each tree grows tall, striving upwards and eventually realizing their full potential. Trees that are alone grow stunted in random and crooked patterns. The struggle of each humanity against each other provides the conditions for the possibility of culture. The violence that emerges from our proximity is part of our nature as humans, but it is also part of nature itself which Kant calls the “mechanical process of nature.”<sup>46</sup>

There are two important guarantees of the possibility of historical progress, namely, conscious rational acts and the dialectic of blind natural forces.<sup>47</sup> Humanity’s antisocial tendencies and inclination to violence and war “cancel themselves and lead to the actualization of a rational political system.”<sup>48</sup> The complementary actions that nature provides humanity is a “vehicle of *political* progress” and assists in “the rise of external ‘civilization’.”<sup>49</sup> Kant takes nature to have a teleology that can be interpreted as purposive for humanity’s development. The violence present in humanity’s historical development seems to point at a rational pattern without intention. Kant notes:

Without those in themselves unamiable characteristics of unsociability from whence opposition springs-characteristics each humanity must find in his own selfish pretensions-all talents would remain hidden, unborn in an Arcadian shepherd’s life, with all its concord, contentment, and mutual affection. Men, good-natured as the sheep they herd, would hardly reach a higher worth than their beasts; they would not fill the empty place in creation by achieving their end, which is rational nature. Thanks be to Nature, then, for the

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<sup>46</sup> *PP*, 8:360-61.

<sup>47</sup> Yovel, *History*, 140.

<sup>48</sup> *Ibid.*

<sup>49</sup> Yovel, *History*, 141.

incompatibility, for heartless competitive vanity, for the insatiable desire to possess and to rule! Without them, all the excellent natural capacities of humanity would forever sleep, undeveloped.<sup>50</sup>

Violence then holds a special place within Kant's framework for the development of humanity's rational capacities. Peace, in the form of an Arcadian existence, is not possible nor is it something that should be esteemed. Social interaction allows individuals to realize that there is something within that "transcends raw nature."<sup>51</sup> Confrontation spurs rivalry which in turn spurs recognition from other free individuals. Initially, violence may begin as a competition for resources, but beneath this appearance is a battle to bring nature under the domain of reason. Moral development takes place in the territory of nature where individuals venture beyond the walls, armed only with what reason provides as tools. This movement into the territory presents itself as an abyss that only our reason can transform into a secure foothold for the kingdom of ends.

Settlement of the territory, however, does not mean the creation of a new ethical garden of Eden. Ethically, humanity is always in a state of nature. Violence, as a vehicle for political progress out of the physical state of nature, will never bring humanity out of the ethical state of nature. Kant uses the phrase "ethical state of nature" to describe radical evil present in our propensity to create impure maxims. In a social setting under law, humanity still has an urge to impose their will on others. Political frameworks help foster conditions that secure external freedom, but the freedom to choose immoral actions always resides within individuals. The ethical state of nature centers on the conflicts arising from the inner freedom of the will as

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<sup>50</sup> *Idea*, 8:21.

<sup>51</sup> Yovel 148

opposed to external freedom. Laws provide the structure necessary for the external use of our freedom that maximize the sphere of external freedom. Law can't prevent the propensity of humanity to place their subjective desires above that of the moral law. This is what is meant by always being in an ethical state of nature because law can never coerce an individual will to perform their moral duty. The creation of a juridical condition is still necessary for the existence of enforceable rights to harmonize the freedom of humanity. Harmonizing the rights of humanity justifies limitations on individual freedom. Kant speaks of this when he describes using coercion as "hindering of a hindrance to freedom."<sup>52</sup> Rights must be enforceable, and this is only possible within a civil condition. In this way the roads of the domain of reason are paved with rightful conditions, but bandits continue to exist in even the greatest of kingdoms.

## CREATING RIGHTFUL CONDITIONS

In *Metaphysics of Morals* (MM), Kant uses the Latin maxim *Quilibet praesumitur malus, donec securitatem dederit opposite* ("Everyone is presumed bad until he has provided security to the contrary").<sup>53</sup> The use of this phrase provides a different justification than in *Religion* regarding "radical evil," but instead uses *a priori* concepts of right. Until assurances are made that another person will not lay claim to my property, I must assume a defensive posture. To resist in this situation is to "do each other no wrong," but to stay in such a condition is to "do wrong in the highest degree by willing to be and to remain in a condition that is not rightful, that

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<sup>52</sup> MM 6:231.

<sup>53</sup> MM. 6:308.

is, in which no one is assured of what is his against violence.”<sup>54</sup> Kant even says that there is no need to “wait until he has learned by bitter experience of the other’s contrary disposition” and that “one is authorized to use coercion against someone who already, by his nature, threatens him with coercion.”<sup>55</sup>

This section in *MM* gives a clear account of why, at least initially, violence is a foundational part of Kant’s rational political development. It is foundational in that the initial establishment of right is grounded in the coercion of another individual, but it is also provisional. In his work *Force and Freedom*, Arthur Ripstein notes that “without an obligation of right, nobody is under any obligations with respect to external objects of choice, and nobody is entitled to enforce any acquired rights they (suppose themselves to) have.”<sup>56</sup> As a result, all rights to external objects in a state of nature are merely *provisional*, because they are all titles to coerce that is entitled to enforce coercively.”<sup>57</sup> Property rights then are a cornerstone of Kant’s entitlement to use force in the state of nature.

Alongside the assumption of evil and provisional rights, Kant provides another premise for individual violence that rests on universal law. Ripstein notes that Lockean assumptions would allow for similar coercive enforcement of private right, but Kant bases his rights structure on universal law.<sup>58</sup> Every individual is entitled to protect their property in the state of nature, and under this condition every will is equally entitled to resist. Kant states “a unilateral will cannot

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Ripstein, Arthur. *Force and Freedom*. United Kingdom: Harvard University Press, 2010. 165.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

serve as a coercive law for everyone with regard to possession that is external and therefore contingent, since that would infringe upon freedom in accordance with universal laws. So, it is only a will putting everyone under obligation, hence only a collective general (common) and powerful will, that can provide everyone this assurance.”<sup>59</sup> Rights only exist in a determinate condition that is enforceable through coercion with public authorization. In this way, rights only exist in a civil condition and every act of coercion outside of a civil condition is a provisional exercise of right.

Coercing others to contract and consent to a civil condition must contain two incentives. It must assure individual rights will remain intact, even if violated, and it must punish those who violate individual rights.<sup>60</sup> Ripstein notes that this first assurance is part of the normative structure familiar in an everyday context. He notes that a person late for a 12:00 meeting is still obligated to show up at 12:15.<sup>61</sup> The violation of a right survives its own violation, and the punishment of a violation simply makes rights effective in space and time. The normative structure that ensures obligations survive violation and are punished accordingly are the conditions for the possibility of external freedom under universal law. Within the state of nature, all rights are settled unilaterally, and as such, are not possible to be universalized. Kant only allows for coercion that brings about conditions that are universal for all rational beings. This means that although we can’t do each other any wrong in a state of nature, it is wrong to the

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<sup>59</sup> *MM* 6:256

<sup>60</sup> Ripstein, *Force*, 165-166

<sup>61</sup> *Ibid.*

highest degree to remain in such a state. Violence that ends this unrightful condition is not only prudent, but also a moral duty.

When we couple the idea that leaving the state of nature is a moral duty with the empirical political development there seems to be a conflict. When Kant theorizes about political development the term “rightful condition” comes up in several areas.<sup>62</sup> It is in his essay *Theory and Practice* that he gives the clearest definition. Kant notes that a rightful condition is based a priori on the following principles:

1. The *freedom* of every member of the society as a human being.
2. His *equality* with every other as a subject.
3. The *independence* of every member of a commonwealth as a *citizen*.<sup>63</sup>

The above criteria are principles that make the existence of a state in accord with rational principles of external human right. Unfortunately, the world we occupy is one in which is never in perfect accord with said principle. Yovel notes that the first movement from the state of nature to a civil condition are “to some extent despotic, since they were based on the principle of a particular will, which must produce antagonism and its (tentative) resolution in a *particularist* regime.”<sup>64</sup> In this way, Kant’s political development acknowledges the imperfect nature of human beings and that reason provides the above a priori principles as a means of orienting our actions. Even if a state were to take on a perfect form, antagonism associated with individual wills would still continue to exist as part of the unstable nature of rational relations amongst

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<sup>62</sup> *PP* 3:384, *MM* 6:306, *TP* 8:291.

<sup>63</sup> Yovel, *History*, 150-151.

<sup>64</sup> *Ibid*.

people. As stated earlier, a physical state of nature is one that may cease to exist, but the ethical state of nature will always remain.

Thus far, we have outlined the function of violence in both nature and reason. Nature limits our physical occupation of space in such a way to bring about the inevitable contact with other human beings, and reason's demand for the unconditioned drives humanity to seek a social condition of universal freedom. Violence, in the form of coercion, is the mechanism by which humanity emerges from nature and creates rightful civil conditions. This movement is analytical and discoverable a priori without need to point to an actual historical event, allowing for a deduction mythical setting in *Conjectural Beginning*. Once the creation of rightful condition takes place, even if it is an imperfect condition, it is morally acceptable to coerce others to leave their unlawful state in order to secure mutual acknowledgement by all members of the newly formed state. The use of coercion to bring people into a civil condition is just in the same way that it is just to punish a criminal under law. A person who chooses to remain in the state of nature also chooses not to acknowledge the rights of other rational beings. Stated another way, those who remain in a state of nature place their own will above all others and thereby place their individual happiness above the demands of reason. For Kant, stealing a person's property and choosing to remain in the state of nature are in essence morally equivalent. In both cases, individual well being becomes the orienting action instead of the moral law and thereby threatens the freedom of every other rational being. To punish such individuals is not a violation of their freedom but instead is the means to bring them under the domain of reason. One can't morally remain in the territory obeying only one's subjective desires. To be moral one must enter a civil



condition and contribute to the creation of the kingdom of ends since the demands of practical reason are social demands.

Individual rational agents are not equipped to bring about the ends of reason. Instead, reason's demands require the combined efforts of all rational agents to work towards a moral world. Individual violence must be replaced by a civil condition in a society. Societies, in turn, must overcome their unrightful condition and create a rightful relation in a world of rational humans. Just as there is violence amongst individuals in the creation of the first civil conditions, there continues to be violence amongst those in civil communities that have formed states. Kant views violence at the level of states differently than the use of violence at the individual level. In the next chapter, I will examine how the moral use of violence changes at the level of states and how the tools of reason replaces violence in the annexation of nature.

### CHAPTER III

#### THE LIMITS OF WAR

Thus far I have outlined where individual violence in the form of coercion is necessary to secure a foothold for reason. Reason's demand for the unconditioned entails an innate right to freedom over ourselves and extended things. The rightful possession of external property necessitates a structure that mediates disputes between what is "mine" and "yours." Rightful mediation replaces the need for violence as a tool in the development of reason. Reason demands external manifestations of lawfulness. Kant is constantly seeking conditions for the possibility of lawfulness in all of his works as can be seen in the first critique:

It is a call to reason to undertake anew the most difficult of all its tasks, namely, that of self-knowledge, and , to institute a tribunal which will assure to reason its lawful claims...but in accordance with its own eternal and unalterable laws. This tribunal is no other than the *critique of pure reason*.<sup>65</sup>

And later in his second critique:

Pure reason is practical of itself alone and gives (to the human being) a universal law which we call the *moral law*.<sup>66</sup>

Violent actions in accord with the creation of a rightful condition under universal laws are moral actions in the state of nature, but something changes after the initial formation of rightful societies. Societies in relation to each other are not in the same position to use violence to create a rightful condition. Kant argues that individuals form states to guarantee rights, but states contain the means of creating continuous conflict that diminishes cultural development and

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<sup>65</sup> *CI*, Axi-xii.

<sup>66</sup> *CI*, 5:32.

cultural exchange.<sup>67</sup> This dual power of states to both unite and divide the world requires a nonviolent resolution. States have a responsibility to turn away from lawless violence as a means of arbitration and instead work towards the harmonization of culture throughout the world. In his work *Perpetual Peace*, Kant lays out a framework towards the eventual elimination of violence amongst states through a cosmopolitan world order. Here, Kant takes a different position on the role of nature as opposed to reason in the formation lawfulness amongst states.

Kant's conception of cosmopolitanism very much connected to his understanding of the finite limits of our geography. The limits of the globe define the limits of rational beings, by virtue of our common possession of the surface of the earth. Kant explains:

They have it by virtue of their common possession of the surface of the earth, where, as a globe, they cannot infinitely disperse and hence must finally tolerate the presence of each other. Originally, no one had more right than another to a particular part of the earth.<sup>68</sup>

Humans have an inherent right to possess a portion of the world, to visit other lands, and to associate with other rational beings. War disrupts the development of cosmopolitan rights in that it inhibits rights to property, commerce, and cultural exchange. It can be said then that Kant's vision of cosmopolitan right is simply a right to hospitality. Benhabib notes that:

The right of hospitality is situated at the boundaries of the polity; it delimits civic space by regulating relations among members and strangers. Hence the right of hospitality occupies that space between human rights and civil rights, between the right of humanity in our person and the rights that accrue to us insofar as we are members of specific republics.<sup>69</sup>

As reason annexes the territory of nature, its progress completely fills the vacuum of chaos with a totality of lawful order. Kant's metaphor takes on literal meanings when rational beings are

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<sup>67</sup> Anderson-Gold, *Unnecessary*, 86.

<sup>68</sup> *PP*, 103.

<sup>69</sup> Benhabib, Seyla., Benhabib, Eugene Meyer Professor of Political Science and Philosophy Seyla. *The rights of others: aliens, residents, and citizens*. United Kingdom: Cambridge University Press, 2004. 27.

forced into contact with each other. Physical hospitality and rational hospitality are both needed to achieve a totality of reason. Physical hospitality ensures that I will not be treated as an enemy when I arrive in another's land. Rational hospitality ensures that my free use of reason is met with toleration. *Perpetual Peace* outlines the gradual steps that are necessary for a hospitable cosmopolitan order under geographical limitations.

## THE GRADUAL NATURE OF THE COSMOPOLITAN ORDER

Kant viewed comprehensive and perpetual world peace as an existential task of moral significance.<sup>70</sup> Unlike other great modern political writers, peace was never a popular topic of inquiry.<sup>71</sup> Kant's contribution to the political philosophy of peace stands out as an exception in the political, as well philosophical, literature. By combining individual right, the role of the state, and Stoic cosmopolitanism, Kant highlighted peace as a fundamental concept of political philosophy.<sup>72</sup>

Kant did not expect the global order to appear quickly; he envisioned this process would persist over the course of humanity's existence. Peace on an international scale would begin with "enlightened nations," like his own Prussia, gradually becoming republican governments with peaceful alliances.<sup>73</sup> Kant observed the radical revolutions of France and America, and although he was pleased at the outcome, he rejected the use of violence. He suggests that gradual reforms

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<sup>70</sup> Otfried Hoffe, *Kant's Cosmopolitan Theory of Law and Peace* (Cambridge University Press, 2006), 136-37.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Edward Demenchonok, "From a State of War to Perpetual Peace," *The American Journal of Economics and Sociology* 66, no. 1 (2007): 25-48.

are “the only means for continually approaching the supreme political good -- perpetual peace.”<sup>74</sup> Although Kant believes the establishment of a republican form of government is essential to perpetual peace, he completely disagrees with those that argue for the expediency of revolution against the state. This view seems contradictory but is in accord with the gradual evolutionary nature of Kant’s political philosophy.

Kant’s philosophy of law places the sovereign as the highest judge in any political system. As the highest judge, no further appeals may be raised nor may further duties be placed against her. In this way, sovereign power may not be a shared power, nor may it be coerced. If it could be shared then who would judge whether the people or the state are correct?<sup>75</sup> Reforming the government is possible, but only through sovereign power.

Kant accepts that people may passively resist the state through civil disobedience and reform through the sovereign power. He also allows individual citizens to resist actions that conflict with their “inner morality.” Kant, ironically, accepts the outcome of the French revolution. Kant interprets that King Louis XVI mistakenly relinquished his power to the people when he summoned the General Estates as representatives and [missing subject] was, therefore, not a revolution.<sup>76</sup> Kant’s support of the French revolution extends to its liberal constitution for human rights and not the violence that brought it about. In this way, he sees the violence of his time differently from those of history. Previous revolutions were centered around the self interest

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<sup>74</sup> Ibid.

<sup>75</sup> Frederick Rauscher, “Kant’s Social and Political Philosophy,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Spring 2017 (Metaphysics Research Lab, Stanford University, 2017), <https://plato.stanford.edu/archives/spr2017/entries/kant-social-political/>.

<sup>76</sup> Heiner Bielefeldt, “Autonomy and Republicanism: Immanuel Kant’s Philosophy of Freedom,” *Political Theory* 25, no. 4 (1997): 552.

of a particular group. The French revolution centered around the rights of people to form a republican constitution. Kant sympathized with the motives but disagreed with the idea of revolutionary violence being a moral act. Any constitution built on the right to revolution would be subject to counter revolutionary activities by right.<sup>77</sup> Kant insists that peaceful transfers of power and gradual reform of the state are morally right even if revolution contributes to progress.<sup>78</sup>

Kant further justifies his rejection of rebellion from pure self interest. It is not a reasonable action to rebel against any sovereign because this puts those in civil society back into a state of nature. This step backwards can never be morally justified. History and anthropology provide examples where the result of violent rebellion is worse than the political system it replaced. Luck plays a role in whether the outcome of a revolution is better for a people, but luck is not a rational means of action. Kant's stands firm on the idea that if a republic can be formed without violence then it ought to be formed that way. The revolutions and wars that do happen occur outside of the rational moral sphere. The violence in war and revolutions happen in nature and are, therefore, natural events. This is where the metaphor of domain and territory become relevant.

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<sup>77</sup> Thomas Seebohm, "Kant's Theory of Revolution," *Social Research* 48, no. 3 (1981): 557–87.

<sup>78</sup> Rauscher, *Social*, 6.

## WAR IS IN THE TERRITORY

Wars take place at the seam between reason and nature. War is a political discourse that has developed alongside the demands of reason. Warriors are those individuals who operate on the very edge of reason's pursuit of the unconditioned. Attempts to define and regulate the conduct of war have progression that mimics that of reason. Vedic and Judaic cultures are some of the first societies to begin the codification of normative warfare.<sup>79</sup> Since ancient times, the laws of war continue to develop as a means to bring violence under the auspices of reason. Kant takes this progression to its rational conclusion. Absent a cosmopolitan juridical condition, states can only appeal to their private right to settle disputes. Limits to state violence develop alongside reason. Reflective judgement allows rational agents to survey the wars of the past alongside the demands of reason to change the nature of warfare in the pursuit of the kingdom of ends. In *PP*, Kant illustrates the way reflective judgement allows an interpretation of history in his political philosophy by factoring in the need for provisional processes. Kant's acceptance of gradual progress allows him to address the transitory states of cosmopolitan order with preliminary conditions that entail provisional duties. In *PP*, he outlines six preliminary conditions of perpetual peace that address methods of gradually reducing warfare between non-republican states being:

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<sup>79</sup> The Mahabharata states: One should not assail someone in distress, neither to scare him nor to defeat him ... War should be waged for the sake of conquest; one should not be enraged toward an enemy who is not trying to kill him. The Book of Deuteronomy 20:10-12 states: When you draw near to a city to fight against it, offer terms of peace to it. And if it responds to you peaceably and it opens to you, then all the people who are found in it shall do forced labour for you and shall serve you. But if it makes no peace with you, but makes war against you, then you shall besiege it.

1. "No secret treaty of peace shall be held valid in which there is tacitly reserved matter for a future war."
2. "No independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation."
3. "Standing armies shall in time be totally abolished."
4. "National debts shall not be contracted with a view to the external friction of states."
5. "No state shall by force interfere with the constitution or government of another state."
6. "No state shall, during war, permit such acts of hostility which would make confidence in the subsequent peace impossible: such are the employment of assassins (percussores), poisoners (venefici), breach of capitulation, and incitement to treason (perduellio) in the opposing state."<sup>80</sup>

By acknowledging and working through these preliminary stages, states work towards longer and more peaceful periods.<sup>81</sup> Kant insists this preparatory period is essential since it prepares for and establishes a peaceful state through diligent effort.<sup>82</sup>

The concept of transitioning to a state of perpetual peace is unique to Kant in the realm of political thinkers. Grotius, for example, worked hard at establishing norms of international behavior and humane practices on the battlefield, but he readily acknowledged that war was an inevitable part of the human condition. Kant did not see war this way and called those who supported the just war theory "sorry comforters," because the principles of equality among sovereign states cannot be treated in isolation in international politics.<sup>83</sup> Kant also names Pufendorf and Vattel in his company of comforters.<sup>84</sup> He disagrees with the notion of war as a permanent pattern of events in international politics.<sup>85</sup> Grotius and Vattel viewed war as a type of

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<sup>80</sup> *PP*, 107-116.

<sup>81</sup> John Bourke, "Kant's Doctrine of 'Perpetual Peace,'" *Philosophy* 17, no. 68 (1942): 324-33.

<sup>82</sup> *Ibid.*

<sup>83</sup> Howard Williams, *Kant and the End of War: A Critique of Just War Theory* (Springer, 2012), 56-57.

<sup>84</sup> *PP*, 131.

<sup>85</sup> Williams, *End*, 61.



lawsuit in the transnational state of nature underpinning the decisions of the powerful to enter into war. Kant can not see war as a part of a legitimate legal framework and chooses to stand far from the views of Grotius.<sup>86</sup> For Kant, to leave the international state of nature, sovereigns must reject war as a legitimate means.

Kant's *Perpetual Peace* draws critics from those in the just war tradition. Modern just war theorists aim to provide useful advice to those making political decisions. Thinkers like Michael Walzer and Jean Elshtain have made a career of providing salient policy advice to those who fight in wars.<sup>87</sup> Their words provide meaningful prohibitions to those in the business of war and provide moral limits to the harm done on the battlefield. Kant does not agree with this line of reasoning. He sees himself as the critic to power and not as advisor to those in the bunker.<sup>88</sup> His role is to stimulate the citizenry and politicians by providing a framework for the pursuit of a productive foreign policy. Kant has no interest in providing legitimizing recourse in the form of *jus ad bellum* or *jus in bello*. To be sure, Kant sees no means of justifying war as stated under the second definitive article in *PP*:

The concept of the right of nations as the right to go to war is, strictly speaking, unintelligible (since it is supposed to be a right to determine what is right not by universally valid external laws limiting the freedom of each but by unilateral maxims through force); one would have to mean it is right if human beings so disposed to destroy one another and thus find perpetual peace in the vast grave that covers all the horrors of violence along with their authors.<sup>89</sup>

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<sup>86</sup> Williams, *End*, 64.

<sup>87</sup> Williams, *End*, 59.

<sup>88</sup> *Ibid.*

<sup>89</sup> *PP*, 356-357

Kant's reluctance to justify the actions of war does not preclude him from recognizing serious contradictions along the path towards universally peaceful conditions. Kant is sober enough to understand that although violence is the origin of the state, it can not create an ethical kingdom of ends. He acknowledges as much in appendix 1 of *PP*: "The only conceivable way of executing the original idea [of a social contract] *in practice*, and hence of inaugurating a state of right, is by *force*. On its coercive authority, public right will subsequently be based." Kant not only accepted that violence was the likely method that brought the individual out of the state of nature, he also accepts that regulation of war is an unfortunate moral necessity in the annexation of nature.

The provisional articles in *PP* directly address the issues of *jus ad bellum* and *jus in bello*. Kant uniquely begins with the end in article 1 by addressing proper peace treaties. By properly establishing the conditions for *jus post bellum*, Kant fills a hole that the "sorry comforters" failed to think about. Peace must come from honest and transparent agreements to stop fighting perpetually. Kant notes when states keep secret reservations during negotiations that they sow the seeds of future wars.<sup>90</sup> Publicity plays a role in keeping those governed properly informed. The public, who are most affected by war, have a stake in knowing and approving the conditions of peace. In chapter three, I will expand on the importance of speech in replacing violence.

Articles 2 and 4 secure and enshrine state sovereignty as the supreme right of states that may not be violated. Any violation of sovereignty must be defended, and violent defense would be morally justified. Defending sovereignty prevents a people from reentering the state of nature

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<sup>90</sup> *PP* 344

where there is no access to the law. Any move back to the state of nature is morally unjustifiable and anything that threatens to move a state back into nature must be defended against.

Article 3 calls for the abolition of standing armies. This, on its face, seems like utopian ideal given the historical evidence of constant violation of sovereignty and the need to protect it when necessary. In *PP*, Kant notes standing armies, by their existence, threatening towards their neighbors and encouraging war. He also questions the morality of “paying men to kill or be killed” as a practice that violates the “rights of humanity in our own person.” Citizen armies, like those of the American revolution, are the exception that allows for the proper defense of a nation. Kant does not elaborate on the reasons that an army is different from a militia. Although there is a cost difference between militias and standing armies, it is not given that a member of a militia is incapable of being treated as a mere mean more than a Soldier in a standing army.<sup>91</sup> In chapter 3, I will discuss the importance of the form of the militia in relation to the guarantee of perpetual peace.

In article 4, Kant looks to the power of the purse as a tool to propagate war. The way that the government uses money to prosecute war on credit marries the previous article in that it attacks the means of war. Without an army and money, war would be a difficult enterprise. Kant rightly notes nations borrow money to go to war and that eliminating the access to credit serves as a practical means of limiting war.

Article 6 provides broad rules for *jus in bello*. In this area, Kant lacks the specific and helpful rules that the likes of Grotius provide in *Rights of War and Peace*. Even without the

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<sup>91</sup> Kasper Lippert-Rasmussen, “Kant on the Asymmetry Between Standing Armies and Citizens’ Militias,” *Jahrbuch Für Recht Und Ethik / Annual Review of Law and Ethics* 17 (2009): 151–70.

specificity, Kant acknowledges the need to regulate war to avoid slaughter and extermination. The key point to this article is retain trust between enemies to make future peace possible. Kant addresses the notion of “unjust” enemies. Grotius and others called for the moral equality of soldiers on the battlefield. Kant reframes these issues by stating there are no unjust enemies on the battlefield. The actions of individual soldiers may be morally right or wrong, but it is the judgment of God that determines which side is right.

By acknowledging these preliminary conditions Kant places war in the context of a teleological history and makes Kant a *jus post bellum* thinker. The ends of reason set the ends of violence. Scholars of violence like Brian Orend, Mona Fixdal and Nancy Sherman are just beginning to delve into the importance of this very Kantian orientation on war.<sup>92</sup> The transition from war towards more peaceful conditions serves to remove the ever-threatening war postures using reflective judgment. Kant’s provisions allow for variation in political status and tools to temporarily understand violence in transition. Kant envisions a path to a time where state violence present can be categorically rejected by paving a reasoned road for states as they are now.<sup>93</sup> In this way, I argue that Kant’s conception of violence is one that serves the end of humanity and not just war theory.

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<sup>92</sup> Dubik, James M.. *Just War Reconsidered: Strategy, Ethics, and Theory*. United States: University Press of Kentucky, 2016, 11-13.

<sup>93</sup> Elisabeth Krimmer and Patricia Anne Simpson, *Enlightened War: German Theories and Cultures of Warfare from Frederick the Great to Clausewitz* (Camden House, 2011). 246.

## FROM LAW OF NATIONS TO COSMOPOLITAN LAW

The six preliminary articles of *PP* makeup Kant's "law of nations." These laws, as previously discussed, are permissive of certain conditions that are unacceptable under cosmopolitan law and mark them as transitional.<sup>94</sup> The preliminary provisions mark the initial agreements that states must make to regulate dealings and step out of the state of nature.<sup>95</sup> The preliminary articles regulate the interactions of liberal and non-liberal states, culminating in the acceptance of Kant's definite articles:

- (1) The civil constitution in every state shall be republican.
- (2) The right of nations shall be based on a federalism of free states.
- (3) "Cosmopolitan right shall be limited to conditions of universal hospitality"<sup>96</sup>

These articles, along with the six preliminary articles, provide the blueprint for the ultimate goal of nations namely: perpetual peace under cosmopolitan law. The reforms required to fulfill this goal require a shift in the way human beings think by way of moral maturation. Moral maturation results from an educated, civically engaged, and informed populace. With these conditions met, people will be prepared to take moral responsibility for relations within their state and, in turn, relations throughout the world.

Kant's insistence on republicanism as the first definitive article raises questions about its necessity and how it furthers the path to perpetual peace. Kant draws on Rousseau in requiring political legislation be bound to the universal right of freedom and equality within society.<sup>97</sup>

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<sup>94</sup> Patrick Hayden, "From The Law of Peoples to Perpetual Peace," *International Journal on World Peace* 17, no. 2 (2000): 47–61.

<sup>95</sup> Hayden, *Law*, 51.

<sup>96</sup> *PP*, 350–358.

<sup>97</sup> Bielefeldt, *Autonomy*, 545.

These are the underlying principles for all laws within a society and make up the legal norms of a people. The form of government that best secures the equal recognition of freedom as citizens is one that separates the execution of laws from the creation of laws. Where the legislation of the law requires purely abstract notions of the will of the citizenry, the execution of the law requires specific circumstances of enforcement. If the legislative and executive bodies exist as one, preferential and discriminatory practices would poison how laws are formed and applied. Strict separation secures freedom and equality in both political and legal justices. Republics provide a legal order that secures positive individual rights and that allow for the creation of a larger cosmopolitan order.

Political realists contend even if the world were to completely adopt the republican form of government, conflict would still exist. Even some social Darwinist would argue that conflict is healthy for society.<sup>98</sup> Critical readers of Kant also see room for the forcible conversion of non-liberal states into republics in some of his statements. Kant does state that nations “can and ought to” demand its neighboring nations become republican, but this ambiguity is clarified in other portions of *PP*. Kant accepts that conflicts will continue to exist but are ultimately resolved through law. A unified juridical condition of the domestic, international, and cosmopolitan are necessary for peace, and the preliminary conditions in *PP* provide a semi-juridical path for transition.<sup>99</sup> Kant also makes clear in his fifth preliminary article that interference in the sovereignty of another nation is a prerequisite to peace.

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<sup>98</sup> Georg Cavallar, *Kant and the Theory and Practice of International Right* (University of Wales Press, 1999).

<sup>99</sup> Cavallar, *Theory*, 53.

Kant also believes that for war to happen in a republic, the consent of the governed would be necessary. Citizens of republics would be reluctant to wage wars unless absolutely necessary.

Kant is clear on this stating in *Perpetual Peace*:

when the head of state is . . . the owner of the state . . . war will not force him to make the slightest sacrifice so far as his banquets, hunts, pleasure palaces and court festivals are concerned. He can thus decide on war, as a type of amusement, and unconcernedly leave it to the diplomatic corps (who are always ready for such purposes) to justify the war for the sake of propriety.<sup>100</sup>

Kant believes those in power are inclined to abuse their power and a republican constitution; requiring the consent of the governed would provide accountability over the state.

Kant's second definitive article calls for a federation of free republics. This federation has several interpretations questioning Kant's use of coercion within the federation. Some scholars read Kant as advocating for a universal state, whereas others see states in a purely voluntary membership.<sup>101</sup> Kant's writings prior to 1793 indicate he was open to a universal state with coercive powers.<sup>102</sup> He is clear when he states the only possible way to stop war is through "the only possible remedy for this is a right of nations, with public laws accompanied by power to which each state would have to submit."<sup>103</sup> It is clear Kant did favor a coercive model of his world federation but by the time *Perpetual Peace* was published in 1795, Kant changed his mind.<sup>104</sup>

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<sup>100</sup> *PP*, 351.

<sup>101</sup> Cavallar, *Theory*, 113.

<sup>102</sup> *Ibid*.

<sup>103</sup> Kant "On the Common Saying: That May Be True in Theory, but It Is of No Use in Practice" (1792) 8:313

<sup>104</sup> Cavallar, *Theory*, 113-116.

Kant provides reasons for the shift to a world body without coercion. First, he provides a prudent and practical observation from history. In his work *Religion within the Limits of Mere Reason* Kant looks to Rome as the example of a world state; noting that as it grew, it eventually reached a size that became unmanageable. Rome at its height had several religious, languages, and cultures that over time collapsed into smaller countries. Kant simply did not think a universal state to be politically viable and thought a federation of free states to be a more prudent route.<sup>105</sup>

Kant's second reason rests with coercion among states. States, by their nature, must have different juridical relationships. In the second preliminary article of *PP*, Kant defines states as moral persons. A state is a society of people who leave the state of nature. Kant's state of nature is like Hobbes' where no law is established, and violence may be used with impunity. Before people leave the state of nature Kant believed that injury may be received to compel others into a civil society.<sup>106</sup> Using the case of Romulus and Numa, Kant insists a civil society could only emerge only if some humanity first used coercive force to establish order.<sup>107</sup> Because the state of nature is absent of laws and only in an ordered society can one be free; therefore, an initial coercion is necessary to institute a state in which justice is possible.

States that currently have unjust conditions are allowed to go through a period of transition towards a more equal and just society. Kant understood that states are not equally capable nor are they equally prepared to adopt republican principles. The provisional duty to act

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<sup>105</sup> Ibid.

<sup>106</sup> Cavallar 119

<sup>107</sup> "Kant on the Metaphysics of Morals: Vigilantius's Lecture Notes," tr. P. Heath in P. Heath and J. B. Schneewind (eds.), *The Cambridge Edition of the Works of Immanuel Kant. Lectures on Ethics* (Cambridge, 1997), 277-78 (XXVII, 513.)



in a just manner obliges ruler enact policies that will bring about justice and freedom. In his essay *Conflict of the Faculties* he writes:

Consequently, it is a duty to enter into such a system of government, but it is provisionally the duty of the monarchs, if they rule as autocrats, to govern in a republican (not democratic) way, that is to treat the people according to principles which are commensurate with the spirit of libertarian laws...<sup>108</sup>

Once individuals exit the state of nature to form a civil society, the juridical nature of states in relationship is one of equals and may not be coerced. Since states have their own internal constitutions with the consent of those it governs, states are not subject to a wider legal coercion.

Kant goes on to reason that if states have no right to coercive power over each other, then a federation of free states is the only union possible. The federation of free states may do as they please as long as their actions do not affect other states. The federation also recognizes all states as equal. The federation's purpose is to provide legal order among states while still remaining independent. States in a peaceful federation would be free to retain their diversity and their particular idiosyncrasies, just like individuals do in their own states. By avoiding a global state, individuals retain their character and their right to self-determination.

But how does the federation work without the power to compel members to obey the norms of perpetual peace without coercion? In *PP*, Kant readily acknowledges the logical end to his hypothesis stating, "since nation states, according to their ideas of national rights...they reject in practice what is correct theory." States should form a world republic, but for reasons of pride and ego they do not. Instead, the lesser form of a free association of republics is posed as the

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<sup>108</sup> *CF*, 7:91

pragmatic solution. The federation of free republics provides a means to move beyond moral relativism into a moral and juridical principles.

Kant provides a formulation for the principle of legal order with the aim of solving conflicts and realizing freedom. Perpetual peace is an ideal that obligates states to orient their political choices in a moral way. Kant notes in *Anthropology from a Pragmatic Point of View*:

Now, morally practical reason pronounces in us its irresistible veto: There is to be no war. . . And even if the complete realization of this objective always remains a pious wish, still we are certainly not deceiving ourselves in adopting the maxim of working incessantly toward it. For this is our duty, and to admit that the moral law within us is itself deceptive would call forth in us the wish ... to be rid of all reason.

By “working incessantly” toward the goal of peace, Kant provides an ideal that nations are duty bound to pursue. States that do not pursue peace and find a way to eliminate war fail in their duty and act irrationally against humanity.

The third definite article outlines the rights of visitation to all citizens of the world. It details that all world citizens have the right to visit any state. This final article is the capstone in Kant’s cosmopolitan philosophy in that it acknowledges rights for “citizens of the world.” These rights come with distinct protections and obligations. For instance, Kant notes that states are not obligated to accept individuals as visitors unless by not doing so the actions condemn the visitor to death. This point limits access to foreign visitors but it also imposes a unique obligation on states to ascertain the condition of all visitors to their prospective nations, amounting to a right to refugee status.<sup>109</sup> Kant is careful to note that visitation is not the same as relocation since

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<sup>109</sup> Kevin Thompson, “Sovereignty, Hospitality, and Commerce: Kant and Cosmopolitan Right,” *Jahrbuch Für Recht Und Ethik / Annual Review of Law and Ethics* 16 (2008): 305–19.

allowing people to move at will would amount to justification of colonialism and violations of sovereignty.

When a state enters the federation of free republics it voluntarily submits to certain juridical norms for morally compelling reasons. Therefore, Kant's *PP* is a moral work just as much as it is a political treatise.<sup>110</sup> Moral maturity grows in both individuals and in states. Moral maturity is the product of reason's claim over the territory of nature. The federation of free republics was not posed as an ideal that cannot be realized, but as an attainable goal through moral maturity of humanity. The modern creations of the League of Nations and the UN provide proof that Kant's efficacy of reason over nature is grounded in reality. World peace requires moral reflection and political choices that incur obligation as well as constraints on state power. Unfortunately, people never perfectly adhere to the moral law. Peace on a global scale requires individuals and states to recognize humanity's unfinished state and the work left to be done. The method for individuals to contribute towards perpetual peace is with the public use of right and reason.

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<sup>110</sup> Marc Lucht, "Toward Lasting Peace: Kant on Law, Public Reason, and Culture," *The American Journal of Economics and Sociology* 68, no. 1 (2009): 309.

**CHAPTER IV**  
**CONCLUSION**  
**PUBLIC REASON AS ANTIDOTE TO VIOLENCE**

In conclusion, I want to focus on the importance of public reason and public right as tools that replace violence in the domain of reason. As more of nature falls under the domain of reason, freedom of the press and freedom of expression strengthen and expand. Embracing the authority of reason is the total rejection of unilateral force as a method of resolution. Throughout Kant's work, freedom to express and subject expression to criticism give reason its authority.

Kant states:

Reason must in all its undertakings subject itself to criticism; should it limit freedom of criticism by any prohibitions, it must harm itself, drawing upon itself a damaging suspicion. Nothing is so important through its usefulness, nothing so sacred, that it may be exempted from this searching examination, which knows no respect for persons. Reason depends on this freedom for its very existence. For reason has no dictatorial authority; its verdict is always simply the agreement of free citizens, of whom each one must be permitted to express, without let or hindrance, his objection or even his veto.<sup>111</sup>

Onora O'Neill's work supports this interpretation of the tools of reason in her work on Kant's practical philosophy. She provides the following analysis of the above quote:

Here the discipline of reason is contracted with a familiar mode of political discipline. It is not like the discipline imposed by dictators or conquerors who coerce obedience, but like the discipline of those who must interact without relying either on imposed or pre established harmony. Reason's authority - if it has any - would be undermined by appeal to any "alien" authority, which itself stands in need of vindication.<sup>112</sup>

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<sup>111</sup> *CI*, A738/B766.

<sup>112</sup> O'Neill, Onora. *Constructions of Reason: Explorations of Kant's Practical Philosophy*. United Kingdom: Cambridge University Press, 1989, 115.

Reason's authority rests on the ability and willingness of individuals to communicate with each other through speech and not violence. Reason and justice receive their power from the freedom that publicity provides Kant states:

Allow...your opponent to speak in the name of reason and combat him only with the weapons of reason.<sup>113</sup>

Reason's demand for the unconditioned is a demand for debate within a community of reasoners as can be further seen when Kant states:

The critique...arriving at all its decisions in the light of fundamental principles of its own institutions, the authority of which no one can question, secures to us the peace of a legal order, in which our disputes have to be conducted solely by the recognised methods of *legal action*...[and] are...ended by a *juridical sentence* which, as it strikes at the very root of the conflict, effectively secures an eternal peace.<sup>114</sup>

Those in positions of power, and especially those who wield violence, have a particular duty to engage in public right and public reason to bring about an end to war. Kant makes certain assumptions on the character of those who participate in war and their willingness to engage in public reason. In *PP*, Kant assumes that the citizenry at large would directly suffer for the actions of their political leaders. Wars were fought by the whole of the nations' able-bodied populous in the form of conscription. Armies need soldiers and soldiers came from the citizenry. Kant assumes that the citizenry will always be a major part of the apparatus of state power and, as such, would always require their consent for its use. Kant states:

When the consent of the citizens of a state is required in order to decide whether there shall be war or not (and it cannot be otherwise in this constitution), nothing is more natural than that they will be very hesitant to begin such a bad game, since they would have to decide to take upon themselves all the hardships of war (such as themselves doing the fighting and paying the costs of the war from their own belongings, painfully making good the

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<sup>113</sup> *CI*, A744/B772.

<sup>114</sup> *CI*, A751-2/B779-80.

devastation it leaves behind, and finally - to make the cup of troubles overflow - a burden of debt that embitters peace itself, and that can never be paid off because of new wars always impending).<sup>115</sup>

I think this statement is incredibly important for Kant's understanding of the relation of citizenship and war. The first statement is that it is up to the citizenry to decide whether there shall be war or not. The decision to engage in mortal combat is a duty of every citizen and not the sole right of a leader in Kant's republic. Kant expects every member of the state to be keenly aware of the nation's use of violence because he expects them to do the fighting. It is here that modern republics have removed certain duties and responsibilities from the citizenry at large.

Modern republics have largely moved to volunteer professional militaries that make up a very small portion of the overall population. Their training and deployment are often unseen and unnoticed in the eyes of their fellow citizens. This fact removes much of the hindrance Kant expresses in the above passage. Volunteers are what Kant envisions in *PP*, since he mentions support for the militia system, and Kant assumes a high level of intimacy between those who fight and the state.<sup>116</sup> The "cup of troubles" is supposed to be a shared cup amongst all citizens of a republican government.

Apart from the fighting, the burden of debt is one that is meant to pay the cost of admission to the "bad game" of war. States are not to use the world financial system to fund the external affairs of war making.<sup>117</sup> The pain associated with war making is meant to be felt by the citizenry itself. The pain of war must not only be felt by those doing the fighting but must also be

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<sup>115</sup> *PP*, 8:530-51.

<sup>116</sup> *PP*, 8:345-346

<sup>117</sup> *Ibid.*

felt in the pocketbooks of those at home. This statement shows that Kant was keenly aware of how money can and will corrupt state power to continue relying on force instead of reason to settle international disputes. Taking on debt for war undermines the pain that must be felt on the part of all citizens along the road to peace. Kant assumes that those who suffer the burden of financing war will feel compelled to turn towards reason to settle their disputes.

As noted earlier in this paper, Kant sees the ease in which a state chooses war when citizens are not involved in decisions to fight. A rush to violence becomes easy when the citizens are largely removed from fighting wars, and those that make the decision to go to war do not themselves suffer from such decisions. Kant's hope for perpetual peace within republican constitutions rests on the willingness of the citizenry to suffer the burden of war together. If the citizenry is not involved with the war effort, does reason provide other tools for the demise of war? Reason's tools to replace war are centered on publicity, namely, public right, and public reason.

## **PUBLIC RIGHT**

When Kant uses the word "public," he refers to the writers and the reading public. In *Perpetual Peace*, publicity is an essential element for the authority of reason to replace violence. Publicity is a requirement for the intelligibility of law and a formal attribute of public right. Kant writes:

Every claim to a right must have this capacity for publicity, and since one can very easily appraise whether it is present in a case at hand - that is, whether or not publicity is consistent with an agent's principle - it can yield to criterion to be found a priori in reason that is very

ease to use; in case they are inconsistent we can cognize at once, as if by an experiment of pure reason, the falsity (illegitimacy of the claim in question (*praetensio juris*)).<sup>118</sup> In this statement we see that Kant expects the reading and writing public to seek out and criticize areas of public policy that are inconsistent with reason. The free and open use of reason is the primary practice of politics. Politicians have a duty to respect the seriousness of the moral peril of war by publicly justifying any call to arms. Kant expects that in matters of war, publicity will stir public opposition where the justification for just war is inconsistent with reason's demand. Kant's politics is then a politics of reason as opposed to the "sorry comforters" involved in the politics of natural law. Grotius, Pufendorf, and Vattel all held exceptions to the prohibition of war, whereas Kant uses publicity to subvert the aims of warmongers.<sup>119</sup> Public right is the tool of moral politicians to defeat "the subterfuge of a secretive system of politics."<sup>120</sup>

Publicity also solves the controversy of the right to rebellion for Kant, since its publicity would defeat its own purpose. A state can does not write into its constitution that there is a right to rebel since doing so would justify violence as a final authority instead of law. To publicly acknowledge a right to rebellion is inconsistent with reason. Publicity also solves the problem of international treaties, right to invasion, annexation, and the organization of a rightful international system.<sup>121</sup> Kant thought that each of these problems of war are solved when brought out for the reasoning public to examine. Although public right does bring reason to bear on the subject of war, its effectiveness is predicated on the willingness of the public to voice their reason against those in power.

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<sup>118</sup> *PP*, 8:381.

<sup>119</sup> Laursen, John Christian. "The Subversive Kant: The Vocabulary of 'Public' and 'Publicity.'" *Political Theory* 14, no. 4 (1986): 584-603.

<sup>120</sup> *Ibid*

<sup>121</sup> *Ibid*



## PUBLIC REASON

Settling the territory of nature in the pursuit of the unconditioned requires that the tools of reason progress with humanity. The beginning of our journey towards the unconditioned provide little in the way of refinement or subtlety and the tools used to establish a lawful state are often blunt. Blood paves the first road towards lawful states. Under lawful conditions, free and critical debate replace the tools of violence for settling the territory of nature. In his *Idea of a Universal History from a Cosmopolitan Point of View*, Kant details the gradual development of human culture towards “Enlightenment.” But what does it mean to use public reason? What does Kant expect out of the public and are there special categories of people who reason about war? Kant answers these questions in his essay *What is Enlightenment?*

Kant begins by stating, “*Enlightenment is the human being’s emergence from his self-incurred minority.*” Reason will be in an age of enlightenment when one “makes[s] use of one’s own understanding without direction from another.” Kant chastises the “laziness and cowardice” of humanity and our willingness to stay in the comfort of our ignorance. Kant highlights how this attitude is pervasive when people are intellectually isolated from one another and only a few succeed in their own cultivation. Enlightenment requires the public to engage with each other at large using the tools of reason. This process is slow, but once reason annexes enough of the territory of nature to bring forth freedom in its public use, enlightenment becomes a very real possibility.

Kant places a unique charge against those who are in positions that require restrictions in speech. Those who find themselves in civil positions (clergy, officers in the military, civil

servants) must obey the rules that govern such organizations. In their official capacities Kant expects these types of people to exercise *private reason* in the presence of members of his particular community. A priest is meant to deliver the gospel just as an officer is expected to execute orders, both in accord with their particular regulations. Private reason is not a tool of enlightenment nor is it applicable to the public at large. Rather, it is a public reason that does the work of settling the territory of nature in free society. Public reason replaces violence in its ability to settle disputes with the authority present in the *sensus communis*.

All people share a common power to judge and compare our judgements according to the authority of reason. It is only through the comparison of judgments that the illusion of subjective prejudice is defeated. Kant talks about this aspect of reason's authority in judgment in the *Third Critique (C3)* when he speaks of the *sensus communis* stating:

The following maxims may serve to elucidate its principles: (1) to think for oneself; (2) to think from the standpoint of everyone else; and (3) to think always consistently.<sup>122</sup>

The three maxims listed above are the acts of judgment that make public use of reason function. Members of the public have a duty to freely debate the merits of policy based on these maxims. These maxims derive their authority from pure practical reason and its demand for an unconditioned state of freedom and autonomy.

Those who are subject to regulations in their private use of reason can freely use public reason. Kant insists that the freedom to use public reason is not denied to those in civil service. As a scholar before the world, civil servants have a duty to speak to the entire public of the *world of readers*. Kant states:

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<sup>122</sup> C3, 5:293.

...it would be ruinous if an officer, receiving an order from his superiors, wanted while on duty to engage openly in subtle reasoning about its appropriateness or utility; he must obey. But he cannot fairly be prevented, as a scholar, from making remarks about error in the military service and from putting these before public for appraisal.<sup>123</sup>

Members of the military hold a particular place in the role of an enlightened society that does not fully participate in the use of state violence. The civil military divide in modern republics has created a chasm in the public use of reason regarding war. Kant assumes that the entire populous, as an essential tool for the use of state violence, would be compelled to reason publicly on matters of war. The lack of public involvement with matters of war places members of the military community in a unique position for Kant's thesis of enlightenment. Military members have a duty, as scholars of violence, to communicate with the public at large about matters of war and peace.

This stance seems objectionable especially when one considers the importance placed on matters of allegiance to the state. Good order and discipline regarding the orders of superiors is the defining element of soldiering and the making of war. To have members of the military openly criticize the policy of their leadership seems to go counter to the purpose of the oaths associated with service. Kant replies to this objection stating:

But should not a society of clergymen, such as an ecclesiastical synod or venerable classis (as it is called among the Dutch), be authorized to bind itself by oath to a certain unalterable creed, in order to carry on an unceasing guardianship over each of its members and by means of them over the people, and even to perpetuate this? I say this is quite impossible. Such a contract, concluded to keep all further enlightenment away from the human race, is absolutely null and void, even if it were ratified by the supreme power, by imperial diets and by the most solemn peace treaties.<sup>124</sup>

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<sup>123</sup> *WE*, 8:37-39.

<sup>124</sup> *Ibid.*

Kant's discussion of clergy is synonymous with others, such as military officers, who are subject to restrictions under private reason. All rational beings have a duty to assist humanity towards the goal of universal enlightenment through the use of public reason. Heads of state have a duty to tolerate public debate of policy by all citizens and not censor the free exchange of ideas.

Public reason brings unity and congruence between our own judgements and those of others.<sup>125</sup>

These ideas of reason derive their authority from their ability to self regulate. Without the freedom to reason publicly the very authority of reason itself is determined. Kant states:

Reason depends on this freedom for its very existence. For reason has no dictatorial authority; its verdict is always simply the agreement of free citizens, of whom each one must be permitted to express, without let or hindrance, his objections or even his veto.<sup>126</sup>

The enlightenment process replaces violence with the emergence of reason as the sole authoritative standard. The juridical condition within a republican framework are structural entities built to make possible the public use of reason. The existence of such structures derives their authority from their ability to submit disputes to free and critical debate.<sup>127</sup>

## CONCLUSION

The demands of reason, viewed historically, are an effort to transform the ground of nature into the ground of reason. The unconditioned state in practical reason is a state in which free debate under the law has fully replaced the authority of force. In other words, the might of the powerful in nature is abandoned for the autonomous freedom of reason. As the season

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<sup>125</sup> O'Neill, *Constructions*, 36.

<sup>126</sup> *CI*, A738/B766.

<sup>127</sup> O'Neill, *Constructions*, 38.

progresses through time and space, it gathers and synthesizes new materials to secure the ground of reason. War, and those charged with fighting, stand in the gap between the laws of reason and the laws of nature. Creating perpetual peace is the duty of every rational being, but it is those who serve who have the positive task of engaging openly with those who wield power.

Kant's deepest held belief is that there is an authority to reason, and it offers a mode of contention that is not based on force. Reason's authority is not polemic, since it provides the possibility of mutual comprehension among other rational beings without resorting to violence. Kant's hope is that those who wish for a better world will engage one another in a genuine debate without relying on some external authority and instead rely on their own reason. The only escape Kant sees for "endless disputes of merely dogmatic reason"<sup>128</sup> is in the light of public reason. Resolving war, and the issues concerning war, are the last great task of practical reason.

Kant states:

It can be said that establishing universal and lasting peace constitutes not merely a part of the doctrine of right but rather the entire final end of the doctrine of right within the limits of mere reason.

The pursuit of moral perfection is not weakened by the practical reality of humanity's history. It is the virtuous person who uses the moral strength of his will to overcome the obstacles of those who deny reason's authority. Kant states "The vices, the brood of disposition opposing the law, are the monsters he has to fight."<sup>129</sup> The means of fighting those who deny reason lie in the courage to publicly use reason. Fighting for the authority of reason is synonymous with fighting

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<sup>128</sup> *CI*, a752/b780.

<sup>129</sup> *MM*, 6:405.

for perpetual peace. War and violence thrive under conditions where the ground of reason is not secure. To deny that perpetual peace is possible is a dereliction of one's duty to work towards perpetual peace. Humanity's alternative is to live a nomadic existence in the wilderness of nature with no orientation and no intelligible history. An existence without direction or purpose leads to despair as follows:

His effort is limited; and from nature he can, to be sure, expect some contingent assistance here and there, but never a lawlike agreement in accordance with constant rules [. . .] with the ends to act on behalf of which he feels himself bound and impelled. Deceit, violence, and envy will always surround him, even though he is himself honest, peaceable, and benevolent; and the righteous ones besides himself that he will still encounter will, in spite of all their worthiness to be happy, nevertheless be subject by nature, which pays no attention to that, to all the evils of poverty, illnesses, and untimely death, [. . .] and will always remain thus until one wide grave engulfs them all together (whether honest or dishonest, it makes no difference here) and flings them [. . .] back into the abyss of the purposeless chaos of matter from which they were drawn.<sup>130</sup>

The practical application of a Kantian analysis of war is the recognition of the limits of violence in accomplishing the ends of humanity. For those currently serving in uniform, Kant provides an orientation that places a transcendental question before those who seek solutions through war. Generals must ask “what are the conditions for the possibility of peace?” before engaging in any justification of war. By beginning war planning with the ends of reason in mind leaders of the military should highlight those areas of war that are outside the scope of violence for achieving the ends of reason. Diplomacy, statecraft, international support, humanitarian aid is just some of the areas that are outside the general scope of military capabilities, and yet they are essential elements in a Kantian framework for military analysis. Military leaders at every level

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<sup>130</sup> C3, 453.

should incorporate the question of Kantian ends in the mission planning phase to help formulate effective purpose statements and set limits for military effectiveness in achieving peace.

Humanity, oriented by reason and acting with good will, is capable of securing the ground reason from the territory of nature. Those who deny reason's authority risk damaging the shared standards by which communication is possible. The historical picture of human reason ends with the full maturation of human capacities towards reasons demands. The idea of a final purpose of humanity requires that reason can change the world through our acts. Moral progress depends on transcending violence through the "maximal conformity with the moral law." In matters of war scholars, soldiers, and the public at large are called by Kant to view themselves as citizens of the world and to publicly develop international codes of behavior towards a kingdom of ends.

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